IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 764 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAJUL GAUTAMBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR SAURABH J MEHTA for Petitioner

MR AKSHAY H MEHTA for Respondent No. 1

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 01/02/2001

ORAL JUDGEMENT

1. Rule. Mr.Akshay H.Mehta, learned Senior Central Govt.Standing Counsel appears and waives service of rule on behalf of the respondent.

2. In this petition under Article 226 of the

Constitution, the petitioner has prayed for a writ of mandamus directing the respondent authority to rectify the error in the passport in resepect of the names of her parents.

3. The petitioner was issued passport wherein she found some discrepancy in the names of her parents i.e. name of Gautambhai Ambalal Patel instead of Arunbhai Champaklal Trivedi and Nutanben Gautambhai Patel instead of Rekhaben Arunbhai Trivedi. The petitioner had requested the respondents to rectify the error but the said request of the petitioner was turned down. Hence, the petitioner has filed the present petition.

4. In the present case the petitioner has been adopted by Gautambhai Patel and Nutanben Patel by a religious ceremony followed by a regular adoption deed dated 23.2.1998. The said adoption deed has been registered on 11.3.1998, as proved by the index. On the strength of these documents the petitioner's name is published in the Gazette of Government of Gujarat dated 3.6.1999 as RUJUL GAUTAMBHAI PATEL. In light of these documents it is submitted by Mr.Akshay H.Mehta, the learned Senior Central Govt.Standing Counsel that the Respondent Authority shall do the needful.

5. In view of the above discussion, the petition is allowed. The Regional Passport Officer is directed to consider the petitioner's request for change of names in the passport in accordance with law on the basis of the material which may be placed before the Regional Passport Officer and shall pass appropriate orders within a period of one month from the date of the receipt of the writ of this Court or a certified copy of this judgment, whichever is earlier. In case the petitioner is required to apply for a fresh passport, the petitioner shall comply with the requisite formalities for the same.

6. The petition is accordingly allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent.

Sd/-
(D.A.Mehta, J)

m.m.bhatt